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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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HUGUES DURAND,

Plaintiff,

No. C 09-00108 JSW

11

v.

**ORDER GRANTING MOTION TO
AMEND ANSWER**

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US BANK NATIONAL ASSOCIATION, et
al.,

Defendants.

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15 On May 6, 2009, Defendants Nations Title Agency, Inc., Nations title Agency, Inc. d/b/a
16 Nations Lending Services, Lisa Carr and Sandee Greenlee (“the Nations Title defendants”) filed
17 a Motion to File A First Amended Answer. Plaintiff did not file an opposition to the motion
18 within the time period required by the Local Rules, and on May 27, 2009, the Court issued an
19 Order to Show Cause why the motion should not be granted. On June 4, 2009, Plaintiff filed a
20 statement of non-opposition to the Nations Title defendants’ motion.

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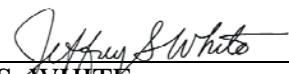
Federal Rule of Civil Procedure 15(a) (“Rule 15(a)”) permits a party to amend its
pleading once as a matter of right at any time before a responsive pleading is served. Once a
responsive pleading has been served, however, amendment requires written consent of the
adverse party or leave of the court. In accordance with the Federal Rule’s liberal pleading
standard, leave of the court “shall be freely given when justice so requires.” Fed. R. Civ. P.
15(a). Though the decision to grant or deny a motion for leave to amend is governed by the
district court’s discretion, the general rule is that amendment of the pleadings is to be permitted

1 unless the opposing party makes a showing of bad faith, undue delay, prejudice to the opposing
2 side, and futility of amendment. *See Forman v. Davis*, 371 U.S. 178, 230 (1962); *DCD*
3 *Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1986).

4 In light of Plaintiff's lack of opposition to the motion, the early stage of this litigation,
5 and the lack of bad faith, undue delay, prejudice or futility of amendment, the Court finds good
6 cause to GRANT the motion. Accordingly, the Nations Title defendants shall file and serve a
7 copy of the proposed amended answer by no later than June 10, 2009. This motion shall not be
8 addressed at the hearing set for June 12, 2009.

9 **IT IS SO ORDERED.**

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11 Dated: 06/05/09


12 JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE

HUGUES DURAND,

Case Number: CV09-00108 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

US BANK NATIONAL ASSOCIATION
et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 5, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Hugues Durand
152 Lombard
#204
San Francisco, CA 94111

Dated: June 5, 2009

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk